

AN ORDINANCE  
BY: ZONING COMMITTEE

U-03-25/U-97-32  
10-7-03

**03-0-1998**

AN ORDINANCE TO AMEND ORDINANCE U-97-32, ADOPTED AS AMENDED, BY CITY COUNCIL ON DECEMBER 7, 1998 AND APPROVED BY OPERATION OF LAW DECEMBER 15, 1998, GRANTING A SPECIAL USE PERMIT FOR A GOLF COURSE (GOLF DRIVING RANGE), PROPERTY LOCATED AT **2400 DEFOORS FERRY ROAD, N.W.**, FOR THE PURPOSE OF APPROVING A CHANGE OF CONDITIONS.  
OWNER: WILLIAM L. MONROE III AND FLORANCE M. NIX  
APPLICANT: DEFOORS FERRY GOLF COMPANY, LLC  
NPU-D COUNCIL DISTRICT 9

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That Ordinance U-97-32, adopted, as amended, by City Council on December 7, 1998 and approved by Operation of Law December 15, 1998, granting a Special Use Permit for a Golf Course (Golf Driving Range) for property located at **2400 DeFoors Road, N.W.** is hereby amended by deleting condition number 10 in its entirety, thus permitting the subject Special Use Permit to be of permanent duration.

SECTION 2. That all other conditions governing the use of this property shall remain in full force and effect.

SECTION 3. That a copy of Ordinance U-97-32 is hereby attached for reference purposes.

SECTION 4. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.



*Plan*

98-O-1663

Municipal Clerk  
Atlanta, Georgia

A SUBSTITUTE ORDINANCE  
BY ZONING COMMITTEE

U-97-32

AN ORDINANCE TO GRANT A SPECIAL USE PERMIT FOR A GOLF COURSE IN AN R-4 (SINGLE-FAMILY RESIDENTIAL) DISTRICT FOR PROPERTY LOCATED AT 2400 DEFOORS FERRY ROAD, N.W., AND FOR OTHER PURPOSES.

NPU-D

COUNCIL DISTRICT 9

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

SECTION 1. Under the provisions of Section 16-05.005(1)(c) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a Golf Course (Golf Driving Range) is hereby approved. Said use is granted to W.L. Monroe and is to be located at 2400 DeFours Ferry Road, N.W., to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lots 220 & 221 of the 17<sup>th</sup> District, Fulton County, Georgia, being more particularly shown on the attached map.

SECTION 2. That this amendment is approved with the following 9 conditions:

1. A site plan, to be approved by the Bureau of Planning, that shall be substantially the same as the site plan titled "DeFours Golf Academy" prepared by Cupp Design, Inc. dated June 17, 1997, and marked received by the Bureau of Planning on June 19, 1997, but shall show an undisturbed tree buffer in the required side and rear yard setbacks, a sidewalk along the front of the property, and shall show any proposed walls in the front of the property.
2. Entrance gates shall be locked nightly.
3. There shall be no outdoor lighting on the golf course or on the driving range.
4. The Golf Driving Range shall not be open to the public except for daylight hours, but in no event shall it open before 9:00 a.m. nor, extend later than 9:00 p.m., and Sunday hours shall be from 9:00 a.m. until 7:00 p.m.
5. Bureau of Planning administrative approval of landscaping, which shall include evergreen screening, and berming, between 3 feet and 5 feet, and shall be provided along the front of the subject property to screen the property from DeFours Ferry Road and residential areas of DeFours Place and Fernleaf Court.
6. No exterior sound equipment shall be erected or operated on the site.
7. There shall be only one sign alerting the public to the presence of the golf facility. This sign must be incorporated into a stone or masonry wall which shall not exceed 4 feet in height and shall not incorporate any form of lighting.
8. No alcohol shall be sold, consumed, or brought onto the premises.
9. Tee boxes shall be limited to a single ground level only (no multi-tiered tee-boxes).
10. The Special Use Permit shall be granted for a term of no longer than five years.
11. Netting shall be placed on the east and west sides of the property to protect residential areas.
12. Throughout the life of the Special Use Permit, the applicant shall maintain adequate parking on the property to service their customers within the development, not to exceed 120 spaces.

U-03-25/ page 1 of 4  
U-97-32



The Director of the Bureau of Buildings shall issue a building permit for the development of the above-described property only in compliance with the conditions. The conditions approved (including the conditional site plan) do not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of Municipal Clerk, be changed to conform to the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

OMC - Amendment Incorporated by CPT - 12/11/98

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED as amended by Council December 07, 1998  
RETURNED WITHOUT SIGNATURE BY THE MAYOR  
APPROVED as per Section 2-403 of the 1996 Charter

U-03-25/U-97-32

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55.8 A.

RG2

Z-97-27/  
U-97-32

PD-H

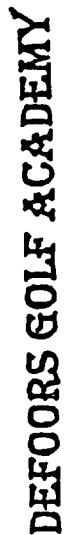
221

RG2-C

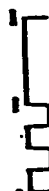
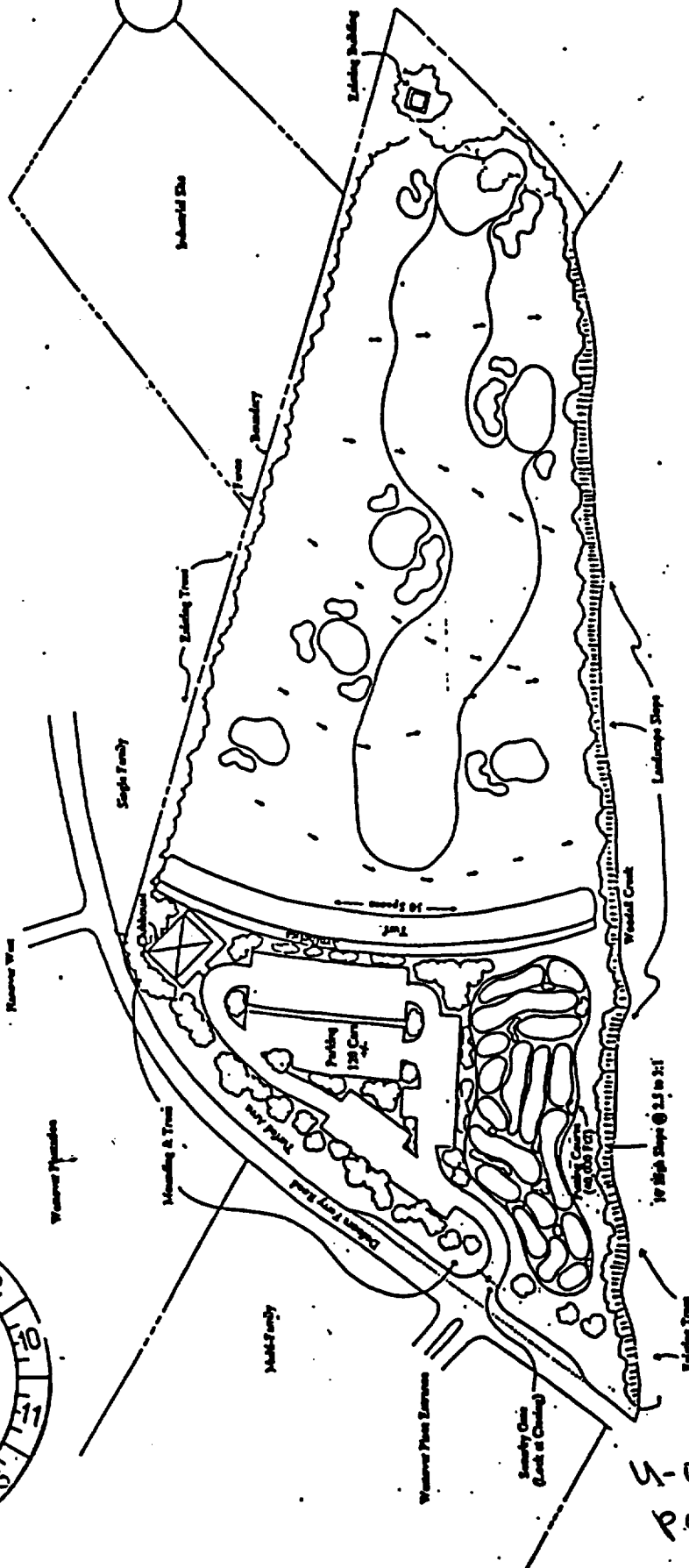
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APTS.

U-03-25/  
U-97-32  
page 3 of 4





**ATLANTA, GEORGIA**



**Robert E. Gupp Design, Inc.**

1-800-954

U-03-25/U-97-32  
Page 4 of 4

City Council  
Atlanta, Georgia

**03-0-1992**

AN ORDINANCE  
BY: ZONING COMMITTEE

Z-03-73  
10-14-03

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA  
as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta, Georgia be amended and the maps established in connection therewith be changed so that the following property located at **2309 and 2329 Adams Drive, N.W.** be changed from the **R-4 (Single-Family Residential)** District to the **PD-H (Planned Development-Housing)** District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot **230** of the **17<sup>th</sup>** District of **Fulton** County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provisions of Chapter 19 entitled, "Planned Development District," and Chapters 19A through 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of these Chapters and with the attached conditions.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinance or parts of ordinances that are in conflict with the terms of this ordinance are hereby repealed.

### CONDITIONS FOR Z-03-73

1. Site plan entitled "Site Plan" prepared by Betterton Surveying and Design, Inc., dated November 21, 2003 and marked received by the Bureau of Planning November 24, 2003.
2. The attached letter from John Andrew Nix to John A. Bell, Zoning Administrator, City of Atlanta, consisting of two (2) pages, and identified as Exhibit A is hereby considered a condition of this rezoning and its provisions shall be enforced as such except Condition #1 which is hereby deleted.





# MADDOX, NIX, BOWMAN & ZOECKLER

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

945 BANK STREET

POST OFFICE DRAWER 1017

CONYERS, GEORGIA 30012-1017

TELEPHONE: 770-922-7700

FACSIMILE: 770-922-8038

EMAIL: mabz@mabzfirm.com

ATLANTA OFFICE:

170 MITCHELL STREET, S.W.

ATLANTA, GA 30303

404-524-0700

PLEASE REPLY TO  
CONYERS OFFICE

ROBERT W. MADDOX  
JOHN ANDREW NIX  
THOMAS A. BOWMAN  
ROBERT L. ZOECKLER  
MARVIN J. HARKINS

3 December 2003

VIA HAND DELIVERY

Mr. John A. Bell  
Zoning Administrator  
City of Atlanta  
68 Mitchell Street, S.W., Suite 3350  
Atlanta, Georgia 30335

2-02-73  
REC'D DEC - 4 2003

Re: Rezoning Application Regarding 2309 Adams Drive, N.W.

Dear John:

As discussed, neighborhood representatives have requested that the applicant impose 5 conditions. These conditions are as follows:

1. ~~Replacement Trees: Builder will comply with the City of Atlanta tree ordinance. In addition, all required replacement trees will be no less than 3" caliber inch as a minimum, but will not exceed a 6" caliber as a maximum. Builder with the City of Atlanta arborist and neighborhood representatives will determine the appropriate size and type of replacement trees for each lot after final grades have been established.~~
2. Construction Hours: Construction and material delivery will be limited as follows: Monday - Friday between the hours of 7am & 7pm; Saturday between 9am & 6pm; No work will occur on holidays and Sunday. Signs concerning this condition will be posted in both English and Spanish along with penalties for violating said condition. Builder agrees to enforce said penalties in an effort to ensure compliance with this condition.
3. Construction parking and deliveries: All construction related parking, with the exception of deliveries, will be contained to the physical site and not on the street. Street parking for deliveries will be limited in time to the duration of the delivery. Deliveries will be in accordance with construction hours described above. All delivery vehicles will restrict ingress and egress to the construction site via Marietta Boulevard.
4. Site plans: All site plans, including but not limited to overall plan, grading, utility, etc. will contain all of these conditions.

Exhibit A  
Page 1 of 2

Mr. John A. Bell  
Zoning Administrator  
City of Atlanta  
3 December 2003  
Page 2

5. Greenspace: The area of approximately 2.3 acres designated as "Green Space/ Conservation Easement" on the site plan will be donated to a conservation organization or the City of Atlanta to be maintained as a permanent natural greenspace in perpetuity.

These conditions are acceptable to the applicant and we ask that our application be amended to include them. Since condition 4 requires that the conditions be placed on the site plan, we will tender a final revised site plan at the ZRB hearing Thursday evening that includes these conditions. (The revised plan also corrects several minor errors that were on the site plan submitted last week.)

Thank you, and please call if you have any questions.

Sincerely,



John Andrew Nix

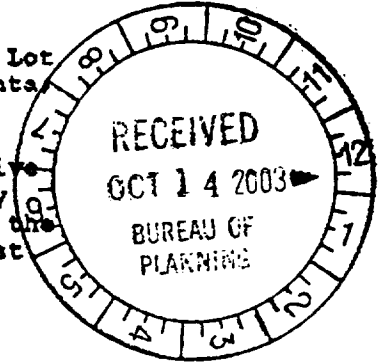
JAN/mbc

Exhibit A  
Page 2 of 2

LEGAL DESCRIPTION

ALL THAT TRACT or parcel of land lying and being in Land Lot 230 of the 17th District, Fulton County, Georgia, City of Atlanta, and being more particularly described as follows:

Beginning at a point on the east right-of-way of Adams Drive (40' R/W), said point being 860.00 feet along said right-of-way from the intersection of East right-of-way of Adams Drive with the north right-of-way of LaDawn Lane; then traveling along the east right-of-way of Adams Drive



THENCE North 01 degrees 28 minutes 03 seconds West for a distance of 184.57 feet to a point; then continuing along said right-of-way

THENCE North 01 degrees 19 minutes 09 seconds West for a distance of 56.54 feet to a point; then leaving said right-of-way

THENCE North 88 degrees 18 minutes 56 seconds East for a distance of 204.83 feet to a point;

THENCE North 01 degrees 29 minutes 50 seconds West for a distance of 73.69 feet to a point;

THENCE South 88 degrees 08 minutes 36 seconds West for a distance of 204.60 feet to a point on the east right-of-way of Adams Drive; then traveling along said right-of-way

THENCE North 01 degrees 19 minutes 09 seconds West for a distance of 113.90 feet to a point; then leaving said right-of-way

THENCE North 84 degrees 41 minutes 12 seconds East for a distance of 241.80 feet to a point;

THENCE South 01 degrees 08 minutes 18 seconds East for a distance of 260.06 feet to a point;

THENCE South 87 degrees 30 minutes 55 seconds East for a distance of 343.18 feet to a point;

THENCE South 01 degrees 26 minutes 09 seconds East for a distance of 169.23 feet to a point;

THENCE South 89 degrees 22 minutes 50 seconds West for a distance of 582.73 feet to the Point of Beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 3.477 acres more or less.

2-03-73